

REMARKS

Claims 1-21, 30 are pending in the application. Claims 1-21, 30 have been rejected by the Examiner. Claims 1, 12 and 30 have been amended to further clarify the invention. No new matter has been added in amending the claims. Reconsideration is respectfully requested.

Claim Rejections 35 U.S.C. § 102(e)

Claims 1, 2, 5-11, 13-20, 30 and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,273,911 Cox et al. Specifically, the Examiner's rejection is directed to Fig. 6 of the Cox et al. patent. Fig. 6 has been highlighted by the Examiner to show the elements of the stent as defined by the Examiner. In particular, the highlighted Fig. 6 shows: links, linear bar arms, primary nonlinear bar arms, secondary nonlinear bar arms and crests, wherein the primary and secondary nonlinear bar arms define the crests.

Claim 1 is an independent claim from which claims 2 and 5-11 depend. As stated above the highlighted Fig. 6 of the Cox et al. patent shows crests that are defined by the primary and secondary nonlinear bar arms. However, Fig. 6 does not show non-linear bar arms having a plurality of curved sections as recited in currently amended independent claim 1. Fig. 6 shows that each nonlinear bar arm has a single curved section. Additionally, Fig. 6 does not show linear bar arms in conjunction with nonlinear bar arms defining the crests. Rather, Fig. 6 shows a crests defined solely by nonlinear bar arms, as depicted in yellow on page 3 of the December 17, 2003 Office action. Therefore, it is respectfully submitted that the Cox et al. reference does not anticipate claim 1 because Cox et al. shows neither non-linear bar arms having a plurality of curved sections, nor does Cox et al. depict adjacent linear and nonlinear bar arms defining the crests. Applicant respectfully traverses the anticipation rejection to claims 1,2 and 5-11.

Claim 13 is an independent claim from which claims 14-21 depend and claim 30 is an independent claim. Currently amended independent claims 13 and 30 of the instant application recite non-linear bar arms having a plurality of curved sections. As noted above, Fig. 6 of the Cox et al. patent shows crests that are defined by nonlinear bar arms. Fig. 6 does not show nonlinear bar arms having a plurality of curves. Instead Fig. 6 shows nonlinear bar arms having a single curved section. Therefore, it is respectfully submitted that the Cox et al. reference does not anticipate claims 13 and 30 because Cox et al. does not show nonlinear bar arms having a plurality of curves. Accordingly, Applicant respectfully traverses the 35 U.S.C. § 102(e) anticipation rejection to claims 13-21 and 30.

Claim Rejections 35 U.S.C. § 102(b)

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Frantzen patent U.S. 5,843,175. Claim 1 is an independent claim, while claims 2-4 are dependent from claim 1.

As highlighted by the Examiner, Fig. 4 of Frantzen has a primary non-linear bar arm, a secondary non-linear bar arm and a linear bar arm. The rings of the Frantzen reference are joined by a linear bar arm from the valley of one ring to the valley of an adjacent ring. The highlighted Fig. 6 of the Frantzen reference shows a series of adjacent ring portions configured in an opposing orientation throughout the stent. Claim 1 of the instant invention, as amended, recites that each ring has a single longitudinal body with a plurality of crests such that a plurality of generally linear bar arms are connected in-between a plurality of nonlinear bar arms so that adjacent linear and nonlinear bar arms define the crests. Claim 1 goes on to recite that the stent includes a longitudinal pattern of a repeated series of at least three adjacent ring portions configured in substantially the same orientation throughout the stent. The Frantzen reference as

highlighted by the Examiner discloses a ring orientation wherein two longitudinal bodies in substantially opposite orientation are joined by a linear bar arm to define a ring. Therefore, because the Frantzen reference shows a ring configuration having multiple longitudinal bodies in substantially opposite orientation, where the instant invention has a single longitudinal body per ring and adjacent longitudinal bodies are in substantially the same orientation, the Frantzen reference does not anticipate the instant invention. Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection.

Claim Rejections 35 U.S.C. § 103

Claims 12 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox et al. in view of U.S. Patent No. 5,925,061, Ogi et al. As stated above, Cox et al. discloses a stent having links, linear bar arms, primary nonlinear bar arms, secondary nonlinear bar arms and crests. At Fig. 5a, the Ogi et al. patent discloses nonlinear connecting links connecting ring portions. However, neither Cox et al. nor Ogi et al. disclose non-linear bar arms having a plurality of curved sections as recited in currently amended independent claim 1.

Claim 12 depends from claim 10, which in turn depends from 9, which depends from claim 2, which depends from claim 1. Therefore, claim 12 incorporates all the limitations of the claims from which it depends, including the limitations of claim 1 which recites, non-linear bar arms having a plurality of curved sections. Because the Cox et al. reference does not disclose nonlinear bar arms having a plurality of curved sections, it is respectfully submitted that the Cox et al. reference in view of the Ogi et al. reference does not render claims 12 obvious. Applicant respectfully traverses the 35 U.S.C. § 103 obviousness rejections to claim 12.

Claim 21 depends from claim 19, which depends from claim 13. Therefore, claim 21 incorporates all of the claim limitations of claims 19 and 13. As noted above, claim 13 recites


nonlinear bar arms having a plurality of curves. Because the Cox et al. reference does not disclose nonlinear bar arms having a plurality of curves, it is respectfully submitted that the Cox et al. reference in view of the Ogi et al. reference does not render claim 21 obvious. Applicant respectfully traverses the 35 U.S.C. § 103 obviousness rejections to claim 21.

It is respectfully submitted that the pending claims 1-3, 5-21, and 30 are allowable. The undersigned attorney can be reached at (310) 824-5555 to facilitate further prosecution of the application. Reconsideration is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____


John S. Nagy
Registration No. 30,664

JSN:JML:jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
38281.1